

EXHIBIT 8

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES,)Case No.
et al.,)1:23-cv-00108-LMB-JFA
)
Plaintiffs,)
)
vs.)
)
GOOGLE LLC,)
)
Defendant.)

)

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VIDEOTAPED 30(b)(6) DEPOSITION OF
UNITED STATES CENSUS BUREAU
through the testimony of
Kendall Oliphant
September 27, 2023
9:39 a.m.

Reported by: Bonnie L. Russo
Job No. 6097939

Veritext Legal Solutions

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<p>1 Videotaped 30(b)(6) Deposition of</p> <p>2 United States Census Bureau through the</p> <p>3 testimony of Kendall Oliphant held at:</p> <p>4</p> <p>5</p> <p>6 Paul, Weiss, Rifkind, Wharton & Garrison, LLP</p> <p>7 2001 K Street, N.W.</p> <p>8 Washington, D.C.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Pursuant to Notice, when were present on behalf</p> <p>19 of the respective parties:</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 APPEARANCES (CONTINUED):</p> <p>2</p> <p>3 Also Present:</p> <p>4 Michael A. Cannon, United States Department of</p> <p>5 Commerce, Chief Counsel for Economic Affairs</p> <p>6 Sam Whitthorne, DOJ, Paralegal</p> <p>7 Claire Cushman, DOJ, Paralegal</p> <p>8 Orson Braithwaite, Videographer</p> <p>9</p> <p>10 Also Present Via Remotely:</p> <p>11 Rachel Zwolinski, United States Department of</p> <p>12 Justice</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Plaintiffs:</p> <p>4 VICTOR LIU, ESQUIRE</p> <p>5 KATHERINE CLEMONS, ESQUIRE</p> <p>6 ALVIN CHU, ESQUIRE</p> <p>7 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>8 450 Fifth Street, N.W.</p> <p>9 Washington, D.C. 20530</p> <p>10 victor.liu@usdoj.gov</p> <p>11 katherine.clemons@usdoj.gov</p> <p>12 alvin.chu@usdoj.gov</p> <p>13</p> <p>14 On behalf of the Defendant:</p> <p>15 MARTHA L. GOODMAN, ESQUIRE</p> <p>16 ANNELOISE CORRIVEAU, ESQUIRE</p> <p>17 PAUL, WEISS, RIFKIND,</p> <p>18 WHARTON & GARRISON, LLP</p> <p>19 2001 K Street, N.W.</p> <p>20 Washington, D.C. 20006</p> <p>21 mgoodman@paulweiss.com</p> <p>22 acorriveau@paulweiss.com</p>	<p>1 I N D E X</p> <p>2 EXAMINATION OF KENDALL OLIPHANT PAGE</p> <p>3 BY MS. GOODMAN 10</p> <p>4 BY MR. LIU 109</p> <p>5</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9</p> <p>10 Exhibit 145 Amendment of 22</p> <p>11 Solicitation/Modification</p> <p>12 of Contract</p> <p>13 11-21-18</p> <p>14 CENSUS-ADS-0000073778-786</p> <p>15 Exhibit 146 E-Mail Chain 28</p> <p>16 dated 6-25-20</p> <p>17 Attachment</p> <p>18 CENSUS-ADS-0000668928-941</p> <p>19</p> <p>20 Exhibit 147 E-Mail Chain 36</p> <p>21 dated 4-12-18</p> <p>22 Attachment</p> <p>23 CENSUS-ADS-0000475977-018</p> <p>24 Exhibit 148 2020 Census Paid 47</p> <p>25 Media Campaign</p> <p>26 Fact Sheet</p> <p>27 CENSUS-ADS-0000052132-134</p> <p>28</p> <p>29 Exhibit 149 Y&R Invoices 63</p> <p>30 CENSUS-ADS-0000347549-692</p> <p>31 Exhibit 150 Y&R Purchase Orders 78</p> <p>32 CENSUS-ADS-0000350928-963</p>

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<p style="text-align: right;">Page 6</p> <p>1 EXHIBITS (CONTINUED):</p> <p>2 Exhibit 151 Y&R Invoices 84</p> <p style="padding-left: 40px;">CENSUS-ADS-0000316495-533</p> <p>3</p> <p>4 Exhibit 152 Integrated Communications 92</p> <p style="padding-left: 40px;">Contract</p> <p style="padding-left: 40px;">Order 18</p> <p>5 12-1-20</p> <p style="padding-left: 40px;">CENSUS-ADS-0000366100-354</p> <p>6</p> <p>7 Exhibit 153 E-Mail Chain 99</p> <p style="padding-left: 40px;">dated 3-3-21</p> <p style="padding-left: 40px;">CENSUS-ADS-0000687538-586</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 8</p> <p>1 PROCEEDINGS</p> <p>2 (9:39 a.m.)</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Good morning.</p> <p>5 We are going on the record at</p> <p>6 a.m. on September 27, 2023.</p> <p>7 Please note that the microphones</p> <p>8 are sensitive and may pick up whispering and</p> <p>9 private conversations. Please mute your phones</p> <p>10 at this time. Audio and video recording will</p> <p>11 continue to take place unless all parties agree</p> <p>12 to go off the record.</p> <p>13 This is Media Unit 1 of the</p> <p>14 video-recorded deposition of Ms. Kendall</p> <p>15 Oliphant in the matter of United States, et</p> <p>16 al., versus Google LLC filed in the United</p> <p>17 States District Court, Eastern District of</p> <p>18 Virginia, Alexandria Division, Case</p> <p>19 No. 1:23-cv-00108-LMB-JFA.</p> <p>20 My name is Orson Braithwaite</p> <p>21 representing Veritext Legal Solutions, and I am</p> <p>22 the videographer. The court reporter is Bonnie</p>
<p style="text-align: right;">Page 7</p> <p>1 PREVIOUSLY MARKED EXHIBITS:</p> <p>2</p> <p>3 Exhibit 21 Award/Contract</p> <p style="padding-left: 40px;">8-24-19</p> <p>4 Exhibit 23 Order 15: Media Buying</p> <p style="padding-left: 40px;">Process for Census PMO</p> <p>5</p> <p>6 Exhibit 27 E-Mail Chain dated 9-2-22</p> <p style="padding-left: 40px;">Attachment</p> <p>7 Exhibit 32 Order for Supplies or</p> <p style="padding-left: 40px;">Services</p> <p>8 11-21-18</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (Exhibits bound separately.)</p>	<p style="text-align: right;">Page 9</p> <p>1 Russo from the firm Veritext Legal Solutions.</p> <p>2 Counsel will now state their</p> <p>3 appearances and affiliations for the record.</p> <p>4 MS. GOODMAN: Martha Goodman of Paul</p> <p>5 Weiss for Defendant Google. I am joined by my</p> <p>6 colleague, Annelise Corriveau.</p> <p>7 MR. LIU: Victor Liu from the United</p> <p>8 States Department of Justice on behalf of the</p> <p>9 United States, including the United States</p> <p>10 Census Bureau.</p> <p>11 MS. CLEMONS: Katherine Clemons,</p> <p>12 Department of Justice.</p> <p>13 MR. CHU: Alvin Chu, Department of</p> <p>14 Justice.</p> <p>15 MR. CANNON: Michael Cannon, U.S.</p> <p>16 Department of Commerce.</p> <p>17 MR. WHITTHORNE: Sam Whitthorne,</p> <p>18 paralegal with the Department of Justice.</p> <p>19 MS. CUSHMAN: Claire Cushman,</p> <p>20 paralegal with the Department of Justice.</p> <p>21 THE VIDEOGRAPHER: Thank you.</p> <p>22 Will the court reporter please swear</p>

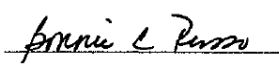
3 (Pages 6 - 9)

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<p>1 whether it had a choice as to whether to 2 participate in the lawsuit brought by the 3 Department of Justice, correct? 4 MR. LIU: Objection. Form. 5 Foundation. Calls for a legal conclusion. 6 THE WITNESS: The census bureau 7 participates in any requests. They -- they 8 respond to requests by the Department of 9 Justice. 10 If that request turns into 11 litigation, we support them with whatever 12 documentation they need. 13 BY MS. GOODMAN: 14 Q. I appreciate that you support the 15 Department of Justice with whatever documents 16 they need. 17 My question is different which is 18 simply whether the census bureau has a choice 19 as to whether to participate in this lawsuit as 20 a federal agency for which the Department of 21 Justice is seeking money damages. 22 MR. LIU: Objection. Form.</p>	<p>1 knowledge? 2 A. Not to the census bureau's 3 knowledge, no. 4 Q. What facts is the census bureau 5 aware of regarding Google's alleged 6 monopolization? 7 MR. LIU: Objection. Privileged. 8 To -- to the extent that you can 9 answer without revealing attorney-client 10 communications or directions of attorneys, you 11 may answer. 12 THE WITNESS: Can you clarify, 13 please. 14 BY MS. GOODMAN: 15 Q. What facts, if any, is the census 16 bureau aware of regarding Google's alleged 17 monopolization other than those learned through 18 interactions with counsel? 19 MR. LIU: Same objection. 20 Same instruction. 21 THE WITNESS: None. 22 MS. GOODMAN: Let's go off the</p>
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<p>1 Foundation. Calls for a legal conclusion. 2 THE WITNESS: I don't know. 3 BY MS. GOODMAN: 4 Q. Meaning the census bureau does not 5 know? 6 A. The census bureau does not know. 7 Q. Okay. When -- strike that. 8 Did the census bureau conduct any 9 investigation of alleged misconduct by Google 10 prior to its participation in this lawsuit as a 11 federal agency for which the Department of 12 Justice is seeking money damages? 13 MR. LIU: Objection. Privilege. 14 To the extent that your answer would 15 divulge attorney-client communications or 16 directions from attorneys, I would instruct you 17 not to answer. But if your answer would not 18 divulge those things, feel free to respond. 19 THE WITNESS: Not to my knowledge, 20 no. 21 BY MS. GOODMAN: 22 Q. And not to the census bureau's</p>	<p>1 record. 2 THE VIDEOGRAPHER: The time is 3 a.m. This ends Unit 2. We're off the record. 4 (A short recess was taken.) 5 THE VIDEOGRAPHER: The time is 6 a.m. We're on the record. 7 MS. GOODMAN: Thank you, Ms. 8 Oliphant. 9 I pass the witness. 10 MR. LIU: Thank you. Thanks, Ms. 11 Oliphant. I just have one question. 12 EXAMINATION BY COUNSEL FOR PLAINTIFF 13 BY MR. LIU: 14 Q. Could census's subcontractors have 15 used a platform other than Google DV360 to 16 order programmatic advertising without 17 discussing it first with census? 18 MS. GOODMAN: Objection to form. 19 THE WITNESS: No, they couldn't have 20 because, in their proposal for Order 15 that 21 was accepted, they specifically stated that 22 would be the platform they would use. So if</p>

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<p style="text-align: right;">Page 110</p> <p>1 they used anything other than that, it would be</p> <p>2 in violation of that particular contract.</p> <p>3 MR. LIU: Thank you. No further</p> <p>4 questions.</p> <p>5 MS. GOODMAN: Off the record.</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 a.m. We are off the record.</p> <p>8 (Pause.)</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 a.m. We're on the record.</p> <p>11 MS. GOODMAN: I think we were on the</p> <p>12 record for 1 hour, 59 minutes, yes?</p> <p>13 THE VIDEOGRAPHER: Yes.</p> <p>14 MS. GOODMAN: Okay. Off the record.</p> <p>15 THE VIDEOGRAPHER: The time is</p> <p>16 a.m. We're off the record.</p> <p>17 (Whereupon, the proceeding was</p> <p>18 concluded at 11:56 a.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 112</p> <p>1 MARTHA L. GOODMAN, ESQUIRE</p> <p>2 mgoodman@paulweiss.com</p> <p>3 September 28, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 9/27/2023, Kendall Oliphant (#6097939)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 erratas-cs@veritext.com.</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 111</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, Bonnie L. Russo, the officer before</p> <p>3 whom the foregoing deposition was taken, do</p> <p>4 hereby certify that the witness whose testimony</p> <p>5 appears in the foregoing deposition was duly</p> <p>6 sworn by me; that the testimony of said witness</p> <p>7 was taken by me in shorthand and thereafter</p> <p>8 reduced to computerized transcription under my</p> <p>9 direction; that said deposition is a true</p> <p>10 record of the testimony given by said witness;</p> <p>11 that I am neither counsel for, related to, nor</p> <p>12 employed by any of the parties to the action in</p> <p>13 which this deposition was taken; and further,</p> <p>14 that I am not a relative or employee of any</p> <p>15 attorney or counsel employed by the parties</p> <p>16 hereto, nor financially or otherwise interested</p> <p>17 in the outcome of the action.</p> <p>18</p> <p>19 </p> <p>20 Notary Public in and for</p> <p>21 the District of Columbia</p> <p>22 My Commission expires: August 14, 2025</p>	<p style="text-align: right;">Page 113</p> <p>1 United States, Et Al v. Google, LLC</p> <p>2 Kendall Oliphant (#6097939)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Kendall Oliphant Date _____</p> <p>25</p>